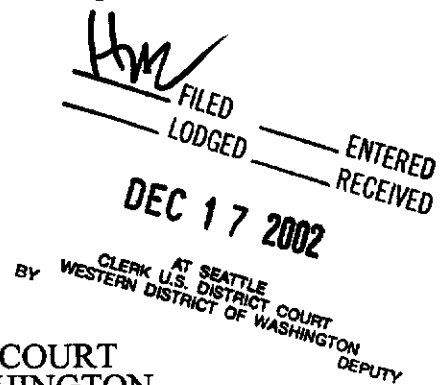


Magistrate Judge Weinberg



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

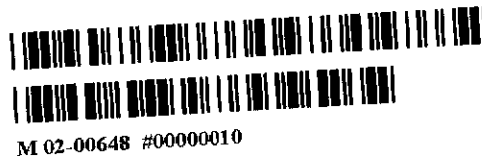
v.

ABEL NNABUE, a/k/a Earnest George
Bodenmiller, and Glen Will Huckabay,
AND XAVIER CHARLES
ALEXANDER, a/k/a, Tobeche E.
Onwuhura, Roger Rickey Reynolds,
James Alex Weaver, Robert Charles
Palmer, and Thomas Michael Crowley,

Defendants.

NO. 02-648M

DECLARATION OF LAWRENCE
LINCOLN IN SUPPORT OF
MOTION FOR DETENTION
ORDER



I, Lawrence Lincoln, do declare and state as follows:

1. I am an Assistant United States Attorney for the Western District of Washington, and have been assigned to the handle the above entitled case. I state these facts of my own personal knowledge, or where appropriate on information and belief, and if called to testify, I would and could competently testify thereto.

2. Attached to this Declaration as Exhibit A is a true and correct copy of a Lynnwood Police Department report authored by Sgt. Mark Demetruk, Badge No. 412, in the case involving the defendants above.

3. As shown in this report, on December 12, 2002, to avoid capture for the crimes charged in this case, the defendants drove with extreme recklessness putting themselves, the police, and the public at extreme risk, while being pursued by uniformed

1 police officers with emergency lights and sirens in at least three marked police cars.

2 The chase occurred in the middle of the business day between 11:30 a.m. and noon in
3 Lynnwood, on wet roadways, during the height of the Christmas shopping season.

4 4. Defendants, in a car driven by defendant NNABUE, began by evading a
5 uniformed police officer and a marked police car that had parked off the right rear
6 quarter panel of defendants' rented Plymouth Neon. The Neon was parked in a parking
7 lot outside the Fred Meyers store, where the person identified above as ALEXANDER
8 had just attempted to obtain a fraudulent \$5,000 cash advance. Ignoring the police
9 emergency lights and later police sirens, NNABUE took extreme evasive measures to
10 avoid police cars, striking sidewalk curbs at least two times during the pursuit. In the
11 ensuing police chase, defendants ran at least six stop signs, and reached speeds up to 70
12 miles per hour in 30 miles per hour zones. During the chase, defendants also threw
13 evidence from the window of the car.

14 5. When police finally forced defendants into a church parking lot, NNABUE
15 surrendered as he stepped out of the driver's seat, but the person identified above as
16 ALEXANDER fled on foot through the residential neighborhood. Police were forced to
17 call in a K-9 unit and set up a containment area to locate the person identified above as
18 ALEXANDER. The person identified above as ALEXANDER was eventually located
19 and arrested by officers assisting in establishing the containment area.

20 6. In view of the foregoing, and the other facts offered at the Detention
21 Hearing, the United States believes that defendants constitute both a risk of flight and a
22 danger to other persons and the community if they are released on these charges.
23 Accordingly, detention is appropriate under 18 U.S.C. § 3142(e).

24 I declare under penalty of perjury that the foregoing is true and correct to the best
25 of my knowledge and belief.

26 Executed this 17 day of December, 2002, at Seattle, Washington.

27
28 
LAWRENCE LINCOLN



Lynnwood Police Department
Case #02-10071

On December 12, 2002 at 1129 hours Lynnwood patrol units responded to a fraud in progress at the Washington Mutual bank located just inside the west doors of the Lynnwood Fred Meyers store (4615 196th St. SW). An update was given by dispatch that the suspect was leaving the store via the west doors. I was at the Lynnwood Police Dept. and responded to the call because of my close proximity. As I advised radio that I was responding Off. Jamison reported that he was in the Fred Meyers lot with an employee and began to give updates concerning the location of the suspect. Off. Jamison reported that the suspect(s) were still in the Fred Meyer west parking lot about to exit out onto 48th Ave. W. in a gold color vehicle. Off. Miller reported being with the vehicle as I arrived on scene. I observed Off. Jamison in full police uniform walking toward the suspect vehicle a gold Plymouth Neon with Oregon plates. Off. Miller parked his fully marked police vehicle off the right rear quarter panel of the suspect vehicle in order to contact the individuals inside. The gold vehicle started to drive off N/B through the parking lot. Off. Miller paralleled the vehicle and then turned E/B. As he did the suspect vehicle turned W/B and drove by Off. Miller ignoring his emergency vehicle lights that were on.

I was following the vehicle in my semi marked police vehicle and had my vehicles' emergency lights activated. I advised dispatch that I was in pursuit as the vehicle exited onto 48th Ave. W. N/B from the parking lots west driveway. Off. Miller had repositioned his vehicle, cantered on 48th Ave. W. at 194th St. SW with his vehicles emergency lights still on. The suspect vehicle accelerated and swerved hard right to go around the stopped patrol vehicle. As it did the suspect's vehicle right front wheel struck the curb damaging the rim cover. The suspect vehicle continued N/B on 48th Ave. W. failing to stop for the stop sign at 194th St. SW. The suspect vehicle attempted to make a left turn onto 192nd St. SW and ran onto the N/W curb. The suspect vehicle maneuvered off the curb and I followed it W/B on 192nd St. SW to 52nd Ave. W. at speeds up to 40 mph in a 25 mph zone. Again failing to stop for the stop sign at 52nd Ave. W. and 192nd St. SW. I had activated all emergency equipment by this time including the siren on my vehicle.

As the vehicle turned N/B onto 52nd Ave. W. Off. DeGabriele in a fully marked patrol vehicle with lights and siren joined in on the pursuit. It had just stopped raining and the roads were wet, traffic was light and had stopped upon hearing the police sirens. The suspect vehicle failed to stop for the stop sign N/B on 52nd Ave. W. at 188th St. SW. The suspect vehicle increased its speed to 70 mph in a 30 mph zone. There was only one other car in front of the suspect vehicle in the 18400 block. The suspect vehicle slowed down and then passed on that vehicles right side. The suspect vehicle slowed again as it approached Hwy 99 and as it turned onto Hwy 99 it failed to stop for the stop sign before entering the Hwy.

I would classify the traffic flow on Hwy 99 as medium being somewhat heavier than the other surface roads. The suspect vehicle turned E/B onto 180th St. SW and

Sgt. Mark Demetruk #412

EXH. A

Lynnwood Police Department
Case # 02-10071

accelerated to 60 mph in a 30 mph zone, again there was no traffic on 180th St. SW. As the suspect vehicle approached 44th Ave. W. it slowed down and ran the stop sign as it turned S/B onto 44th Ave. W. As I reached 44th Ave. W. no other vehicles were present except those stopped on 44th Ave. W. at Maple Road due to Officer Brinkman positioning of his vehicle with emergency equipment activated.

The suspect vehicle turned E/B onto Maple Road by turning into the W/B lane and then moving over to the E/B lane. As the suspect vehicle continued E/B, just after 42nd Ave. W. I observed the passenger throw items (assorted papers) out of the passengers window striking the 20 mph speed sign. The suspect vehicle continued E/B traveling 40 mph in a 25 mph zone. As the suspect vehicle reached 36th Ave. W. it failed to stop for the stop sign and turned left onto 36th Ave. W. N/B. There was heavy construction in the area and the suspect vehicle turned W/B into the Korean Emmanuel Church located at 17730th 36th Ave. W. The suspect vehicle drove to the rear of the church and was forced to stop. The driver exited the vehicle and gave himself up immediately the passenger fled on foot. Containment was set up and K9-5 was requested. The suspect was located in a water retention pond off Maple Road by containment officers. Lynnwood Officer Langdon recovered the paperwork that was tossed out of the vehicle by the passenger.

As I placed the suspected driver into custody he placed a wallet on the back of the gold vehicle. He stated that he wanted the wallet because it was his. I removed a large amount of cash (MAD001) from his right front pants pocket. He also claimed the money to be his. I identified him from a Washington State drivers' license as Abel Unabue 12-17-74. I then verbally advised him of his constitutional rights from memory. The suspect acknowledged his understanding of his constitutional rights and then agreed to talk to me without presence of consul.

Nnabue stated that he just drove a friend to Fred Meyers. He said he went into the store to buy some cigarettes and his friend wanted to get some bump removal for his hair since he just got it cut. Nnabue said he bought his cigarettes and went out to his vehicle that he rented from Thrifty on Pacific Hwy South. Nnabue said he does not know what his friend was doing. Nnabue when asked did not know what his friends name was or where he lived. Nnabue said his friend then came out to the car. After entering the car he saw the police officer coming toward him with his gun drawn, fearing that he was going to be killed he drove away, failing to stop for all police vehicles for that same fear.

I ran a full check on the Plymouth Neon bearing Or. license plates # YYS641. The vehicle returned clear and current to a rental car agency. Nnabue reiterated several times that he rented the vehicle from Thrifty rent a car. Nnabue asked what was going to happen to the vehicle since it needed to be back tonight or they would charge him for



**Lynnwood Police Department
Case # 02-10071**



another day. I told him that I was going to impound the vehicle and petition the court for a search warrant. Nnabue stated in the presence of Officer DeGabriele that he would give me permission to search the vehicle and that I do not need to get a search warrant. I then asked Nnabue "you do not care if I search your car", Nnabue stated "no, go ahead". I then conducted a search of the suspect vehicle removing the following items. From the drivers side front floor board a Samsung cellular telephone (MAD002). From the passenger side floor board two Nokia cellular telephones and assorted recharging plugs (MAD003). I also removed several computer e-mail print out pages from the floorboard (MAD004). From the rear seat I removed a blue gym bag containing assorted clothes and electronic items (MAD005). The rear seat had a pass through with access to the trunk. From the trunk area I removed a white Nordstrom's bag containing men's shirts and ties (MAD006) and a black gym bag containing more clothes, jewelry boxes and telephones (MAD007). I removed a Thrifty and Dollar car rental agreements (MAD010) from the passenger door sleeve. As I was walking back to my patrol vehicle I noticed another computer print out page similar to the ones located in the front of the suspect vehicle. A closer check showed it to be part of the same e-mail printout located in the suspect vehicle. I collected the page (MAD008) containing people's names, addresses, dates of births and social security numbers.

I transported Nnabue to the Lynnwood jail as Off. DeGabriele remained with the vehicle until the tow truck arrived. At the Lynnwood jail a closer look at Nnabue's wallet showed he had a Washington State identification card. The last name on the ID card was spelled "Nnabue" instead of Nnabue like what was printed on his drivers' license. Nnabue stated that this was a DOL error. I also located Discover credit cards in his wallet under different names. One of the wallets recovered at the 20 mph speed sign contained Texas drivers' licenses with Nnabue's picture on them with the names of the people issued the Discover card. I seized the wallet and it's contents (MAD009) as evidence. When I questioned Nnabue about this he just said that the guy on the license looked kind of like him. I stopped questioning Nnabue at this time knowing that CID would be questioning him further concerning the situation. I confiscated Nnabue's Modavo watch and silver color chain necklace (MAD012) and Alexanders' Modavo watch gold color chain and two silver color chains (MAD013) during the booking process, since receipts showed they had just purchased them. Off DeGabriele turned over to me a pair of tan work boots (MAD014) he located in the black gym bag along with a sprint cell phone and two Samsung cell phones (MAD011).

I had Off. DeGabriele photo copy all items and place them into plastic bags. I entered all items into evidence at Lynnwood P.D. I completed seizure notices on the money, jewelry and cellular telephones confiscated from both Nnabue and his accomplices who unidentified at this time.

Sgt. Demetrak #412